

1
2
3
4
5
6 **UNITED STATES DISTRICT COURT**
7 **DISTRICT OF NEVADA**

8 JOHN DAVID PAMPLIN,

9 Petitioner

10 v.

11 WARDEN ELY STATE PRISON, et al.,

12 Respondents

Case No.: 3:18-cv-00382-RCJ-CBC

ORDER

13
14 Petitioner John David Pamplin has submitted a § 2254 petition for a writ of habeas
15 corpus and has now paid the filing fee (ECF No. 1-1). The court has reviewed his petition and
16 motion for stay; the motion shall be denied, and the petition shall be dismissed as set forth
17 below.

18 Pamplin presents no basis whatsoever to support his bare motion for a stay and abeyance
19 while he exhausts claims in state court related to his 2002 state judgment of conviction (*see* ECF
20 No. 8). Further, the court takes judicial notice of the proceedings in case no. 3:08-cv-00007-
21 RCJ-VPC. In that case, initiated by Pamplin in 2008, Pamplin sought federal habeas corpus relief
22 from the same state court conviction. His petition was dismissed on January 14, 2011, and this
23 court denied a certificate of appealability (ECF Nos. 34 and 35 in case no. 3:08-cv-00007-RCJ-

1 VPC). Pamplin appealed, and the Ninth Circuit Court of Appeals denied his request for a
2 certificate of appealability on December 20, 2011 (ECF No. 44 in case no. 3:08-cv-00007-RCJ-
3 VPC). Pamplin petitioned the United States Supreme Court for certiorari, and the petition for
4 certiorari was denied on May 14, 2012 (ECF No. 45 in case no. 3:08-cv-00007-RCJVPC). On
5 June 11, 2018, Pamplin filed a "Request for Rehearing on Original and Amended Petitions"
6 (ECF No. 46 in case no. 3:08-cv-00007-RCJ-VPC). That motion was denied on June 18, 2018
7 (ECF No. 48 in case no. 3:08-cv-00007-RCJ-VPC). Pamplin appealed from the June 18, 2018,
8 order, and the court of appeals denied his request for a certificate of appealability on November
9 16, 2018 (ECF No. 52 in case no. 3:08-cv-00007-RCJ-VPC).

10 Pamplin has presented no basis whatsoever to support his bare motion for stay of this
11 habeas matter, and in light of the proceedings in case no. 3:08-cv-00007-RCJ-VPC, this action
12 will be summarily dismissed.

13 **IT IS THEREFORE ORDERED** that the Clerk shall **DETACH** and **FILE** the petition
14 (ECF No. 1).

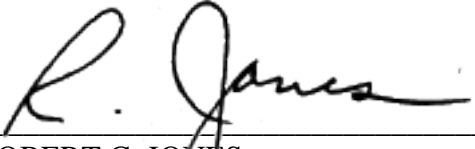
15 **IT IS FURTHER ORDERED** that the petition is **DISMISSED** as set forth in this order.

16 **IT IS FURTHER ORDERED** that a certificate of appealability is **DENIED**.

17 **IT FURTHER ORDERED** that petitioner's motion to stay case (ECF No. 8) is
18 **DENIED**.

19 **IT IS FURTHER ORDERED** that the Clerk shall **ENTER JUDGMENT** accordingly
20 and close this case.

21 DATED: This 18th day of April, 2019.

22 
23 ROBERT C. JONES
UNITED STATES DISTRICT JUDGE